



Attorney's Docket No.: 16163-030001 / AM100126

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Parris *et al.* Art Unit : 1631
Patent No. : 6,957,150 Examiner : Cheyne D. Ly
Issue Date : October 18, 2005
Serial No. : 09/771,383
Filed : January 25, 2001
Title : METHODS FOR IDENTIFYING AN AGENT THAT INTERACTS WITH AN ACTIVE SITE OF ACYL CARRIER PROTEIN SYNTHASE OR ACYL CARRIER PROTEIN SYNTHASE COMPLEX

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(d)

Patentees hereby request that the Patent Term Adjustment for the above-identified U.S. patent be reconsidered. It is Patentees' belief that the Patent Term Adjustment on the issued patent (set at 232 days as stated on the Patent cover sheet) is incorrect and that the Patent Term Adjustment for which the above-identified patent is entitled is 246 days. This request is properly submitted within two months of the patent issue date.

Under 37 CFR § 1.702, the grounds for reconsideration of patent term adjustment include examination delays under the Patent Term Guarantee Act of 1999. The correct patent term adjustment and the bases under § 1.702, and the relevant dates as specified in § 1.703(a) through (e) for which the adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled follows.

12/20/2005 HDEMESS2 00000032 6957150

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12/14/05

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

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Application Filed	January 25, 2001
Notice to File Missing Parts	May 10, 2001
Requirements under 35 USC § 371 fulfilled	January 14, 2002
First Action	July 2, 2002
Applicant's Reply	September 3, 2002
Non-final Rejection	December 3, 2002
Applicant's Reply	March 3, 2002
Non-final Rejection	May 15, 2003
Applicant's Reply	August 15, 2003
Final Rejection	October 15, 2003
Applicant's Reply	January 31, 2004
Non-final Rejection	March 2, 2004
Applicant's Reply	September 3, 2004
Notice of Allowance	October 22, 2004
Issue Fee Paid	December 27, 2004
Amendment After Notice of Allowance	January 10, 2005
Patent Grant	October 18, 2005

Adjustment (positive):

14/4/4	<u>174 days</u> (days between April 27, 2005 (4 months from December 27, 2004, the date issue fee was paid), and October 18, 2005 (date patent issued) (37 CFR 1.702(a)(4) and 1.703(a)(6)))*
3-year	<u>632 days</u> (days between January 25, 2004 (3 years from January 25, 2001, the filing date) and October 18, 2005 (date the patent issued) (37 CFR 1.702(b) and 1.703(b))*
Interference	No adjustment
Secrecy Order	No adjustment
Appeal	No adjustment

*Time periods overlap, total positive adjustment = 632 days

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The reductions in patent term due that may be considered a failure by the Patentees to engage in reasonable efforts to conclude processing or examination of the above-identified application as set forth in 37 CFR § 1.704 are summarized below.

Reductions:

Reply outside 3 months (Reply to Notice of Missing Parts)	<u>157 days</u> (between May 10, 2001, and January 14, 2002 (37 CFR 1.704(b)))
Reply outside 3 months (Replies to Office Actions)	<u>109 days</u> (between October 15, 2003, and January 31, 2004, and between March 2, 2004, and September 3, 2004 (37 CFR 1.704(b)))
Supplemental paper (Request to add assignee)	<u>120 days</u> (between January 10, 2005, and May 10, 2005 (37 CFR 1.704(c)(10)))
Miscellaneous paper (USPTO Error: this should have been entered as “Issue fee payment”)	<u>14 days</u> (between December 27, 2004, and January 10, 2005 (supplemental paper filed))

Erroneous total reductions = 157+ 109+ 120+ 14= 400 days

Erroneous Patent Term Adjustment: 632 days – 400 days = 232 days

The U.S. Patent and Trademark Office (USPTO) reduced 14 days of Applicants' term by erroneously recording the Issue fee Payment received by them on December 27, 2004, as a "miscellaneous letter." This submission should have been recorded as an "Issue Fee Payment," and Patentees should not have been penalized 14 days. Thus the correct PTA is:
232 days + 14 days = 246 days. Based on the foregoing, Patentees request that the Patent Term Adjustment on this patent be adjusted to **246 days.**

The above-identified patent is not subject to a terminal disclaimer.

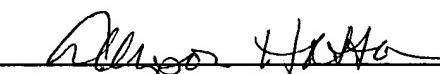
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As required by 37 CFR § 1.705(d), it is understood that this request complies with 37 CFR § 1.705(b)(1) and (b)(2). A check in the amount of \$200 to cover the fee set forth in 37 CFR § 1.18(e) is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 16163-030001.

Respectfully submitted,

Date: December 16, 2005



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